

1899-033 Chancery Causes: A. M. Penley vs. Nancy R. Penley
Lee Co.

Parsons, Smith, Quillen, Quillin

CA-Divorce
T-Vices

To the Hon. W. T. Miller, Judge of the
Circuit Court for Lee County, Virginia

Humbly Complaining, Your dra-
tor, A. M. Finley, a citizen of Lee County,
Virginia, respectfully represents and
charges that on the day of
1895, he and Nancy R. Parsons, were
duly married to each other and lived
happily together as man & wife until
about two or three months ago,
when to his great surprise, grief
and chagrin, without your orator's
consent, procurement or connivance,
she left him; that she left &
your orator, to have illicit in-
tercourse with other men, among
whom are George Smith, Green
Parsons and also other men whose
names are not known to your
orator; and that without the pro-
curement, consent or connivance
of your orator, she has, within
the last five years next preceding
the institution of this suit, been
guilty of the crime of adultery by
having sexual intercourse with
said George Smith, Green Parsons and
other persons not known to your ora-
tor; that he has not lived with,
or cohabited with his said wife, since
he had knowledge or information
of her said adulterous acts; that

1 he and she last cohabited and
2 lived together as man and wife in
3 this county; and that she and he
4 are now, and have been domiciled
5 in this county & State for more than
6 a year next preceding the bringing
7 this suit.

8 The premises considered and being
9 true, your orator is advised that he
10 is entitled under the laws of this State
11 to have the bonds of matrimony now ex-
12 isting between he and the said Nancy R.
13 annulled and dissolved in your
14 honor's Court of Chancery; and to that
15 end she prays that your honor take
16 cognizance of his cause of complaint.
17 That said Nancy R. Penley be made
18 a party defendant to this bill of com-
19 plaint; that she be required to answer
20 the same, but she need not do so, on
21 oath, as that is expressly waived; That
22 on the hearing of this cause, your ora-
23 tor be decreed a divorce a vinculo mat-
24 rimoni for ever dissolving the bonds
25 of matrimony now existing between her
26 and him. And that all other and gener-
27 al relief be awarded him as the na-
28 ture of his cause may require to come
29 forth with equity & good conscience. May
30 process issue &c. And she will ever
31 pray &c.

32 A. M. Penley Complt.

Dunnington Bros.
P. 9.

Pending

Plffs Costs

Clerk 3.15 Paid
Tax 1.50 Paid
Shff 1.60 Pd by plff
atly 15.00
J. P. 1.60 Pd. by plff
wits 1.50 do
\$24.35

A. M. Penley
vs } Biddleham.

Nancy Penley

1899. 2nd Feby. Rules. - Bill
filed. Spa. executed.
Def't fails to appear.
Decree nisi.
1st March Rules held on
the last Monday in
Feby. - Decree nisi
confirmed. Bill taken
for confessed. Cause
set for hearing.

1899 Mex. J. Decree Final.
Order Book No 6 Page 236

90 to 00
P.

A. M. Penley, Complt.

vs.

Nancy R. Penley, Deft.

} In Chancery.

This cause came on this day to be heard upon the bill of the Complt., and the depositions of witnesses, and the arguments of counsel: On consideration of all which, and it appearing to court that process has been duly served upon the defendant for more than fifteen days before the first day of this term, it is adjudged, ordered and decreed that the bonds of matrimony now existing between said Complainant and defendant be and are hereby forever dissolved and the said A. M. Penley awarded a divorce a vinculo matrimonii from said defendant. And this cause is stricken from the docket.

A. M. Fuley

vol. 12

Nancy R. Fuley

Eu. C. O. B. 6 p. 237.

Enter this

March 6 1899.

W. F. M.

To Nancy L. Penley:

You are hereby notified that on the 18th day of February, 1899, at the law office of E. H. Pennington, in the town of Pennington Gap, Lee Co., Va., between the hours of 10 A. M. and 3 P. M. of that day, I shall proceed to take the depositions of George Smith, James A. Guillen, Green Parsons and Amanda Matlock and others, to be read as evidence in my behalf in a certain suit in equity, depending in the Circuit Court for Lee County, Va., wherein I am plaintiff and you are defendant; and if from any cause the taking of said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from place to place and from time to time, between the same hours until the same shall be concluded.

Yours very truly
A. M. Penley.

Compt.

By
Pennington Bros. p. q.

A. M. Guley
vs { Notice to
 { take depo.

Nancy R. Guley

Executed on the 13
day of February, 1899,
by delivering
a true copy of
the within notice
to Nancy R. Guley.

This 13 day of Feb., 1899

E. S. Stephens, S.
for W. P. Weston
S. S. Sec.

A. M. Penley Complt
vs. } In Chancery
Nancy R. Penley Deft.

The depositions of G. H. Smith
J. A. Guillen, Amanda Mulrow and Mary S. ^{Parsons}
taken before me J. S. Garison, a
justice of the peace for the County
of Lee and State of Virginia, pur-
suant to notice heretofore annexed at
the law office of E. H. Pennington
in the town of Pennington Gap, Va.,
on the 18th day of February, 1899, between
the hours of 10 A. M. and 3 P. M. to
be read as evidence in behalf of
A. M. Penley in a certain suit in
equity depending in the Circuit
Court for Lee County, Va., wherein
A. M. Penley is Complainant and
Nancy R. Penley is defendant.

Present E. H. Pennington atty. for plaintiff

G. H. Smith a witness of lawful age
after being duly sworn de-
poses as follows:

Ques. (1) Give your name, age & residence?
Ans. G. H. Smith my age is 20 years my resi-
dence is in Lee County and in the Pocket
country.

Ques. (2) Are you acquainted with the plaintiff and defendant in this suit? If so, how long have you known them?

Ans. I am acquainted with both of the said parties and have known them eight or ten years.

Ques. (3) Where do said plaintiff and defendant reside?

Ans. They live in Lee County Virginia. I live within two or three miles of them.

Ques. (4) How long have they been living and residing in said Co., Va. if you know, next preceding the institution?

Ans. From four to five years.

Ques. (5) Do plaintiff and defendant now live apart? If so, how long have they been separated?

Ans. The report is they have separated, and they have been apart a month or more.

Ques. (6) State whether you ever saw any improper conduct out of Nancy R. Pinley; if so, state what you saw; and how long ago was it?

Ans. some thing like a month ago at my
father's house said ~~confidential~~ came
there and I had a pair of knee buckles
witness she asked me for them I told her I would
claim one give them to her if she would let me
day .50^{ct} put them on her legs; she struck up
her legs and I did put them on; this
event occurred soon after I understood
she had left her husband, she told me
that day she had left him
And further this defendant say eth not.
Geo W. Smith.

Amanda Mulcore a witness
of lawful age, after being duly
sworn deposes as follows.

Ques. (1) Give your name, age and
C residence?

Ans. I am 39 years old, My name is Amanda
Mulcore and reside in Lee County Va
and in the labor orchard country.

Ques. (2) Are you acquainted with the
plaintiff and defendant in this
suit? If so, how long have you
known them?

Ans. I am acquainted with both parties and
have known them since they were children.

Ques. (3) Where do they now live? and

Ans. They now live in Lee County Virginia

Ques. (4) How long have they lived in
Lin County, Va., next preceding
the institution of this suit?

Ans They now live in Lee County Virginia
and ~~always~~ have lived in this county
ever since I knew them they were
born and raised in this county

Ques. (5) Do said plaintiff & defendant
now live together? If not, how
long have they been separated?

Ans They do not now live together, she left
him a little before Christ-mas ¹⁸⁹⁸ and have
not lived together since

Ques. (6) Have you ever seen any im-
proper conduct out of the de-
fendant in this cause? If so, what
was it and where was it?

Ans I have on two occasions, something like
a month ago I saw her sitting on the
knee of a man and he had his arms around
her and later on of the same night I saw
her sitting in a chair and ^{another} man on his
knees in front of her and right up
against her, neither of these men was
the complainant in this cause.

Ques. (7) Was the plaintiff in this cause
present when the matters oc-

current stated by you in the preceding answer?

Ans. He was not. I think he was at his mother's at that time, he was making his home there at that time.

ques. (8) Were the circumstances detailed by you in answer to question 6 of your deposition brought about by the procurement or connivance of said plaintiff?

Ans. I have no idea he knows of it.

ques. (9) Where did plaintiff and defendant last live together as man and wife?

Ans. In Lee County Virginia near Plaintiff's mother.

ques. (10) How long had said parties been married to each other, before they separated?

Ans. Some four or five years and further this defendant says it not.

1 day 504

Amanda ^{her} Mulvaney
mark

James A. Miller a witness of lawful age after being duly sworn deposes as follows:

ques. (11) Are you acquainted with plaintiff and defendant in this case? If so,

how long have you known them?

Ans I am acquainted with said parties and have known them all their lives

Ques. (2) Where do said parties now live?

Ans In Lee County Virginia and were born and raised in this county

Ques. (3) Do they now live together? If not, how long have they been separated; and which left the other?

Ans They do not live together, she left him before last Christmas and have not lived together since their separation. Soon after they separated he moved to his mothers and lives there now.

Ques. (4) At any time state whether you ever heard the defendant say anything about leaving the plaintiff. If so, state what it was?

Ans About one week before she left her husband I heard her say that she was going to leave him. In a day or so after she had left him I heard her say that she had left the Plaintiff and said that she was not going to live with him any more I asked her

Witness
Claim 1 day
50¢

why she left him and she said because
she had found another fellow that she
loved better than she did her husband.
I believe this is about all I ever heard her
say about it, and further this defendant
sayeth not.

J. A. Millie

Mary S. Parsons a witness of
lawful age after being duly
sworn deposes as follows.

Ques (1) Are you acquainted with
plaintiff and defendant in this
cause? If so how long have
you known them?

Ans I am acquainted with both parties, I have
known her since she was a child and he
since he and she were married some five
or six years ago.

Ques (2) Did you ever see any improp-
er conduct out of the ~~defendant~~
defendant, if so, what was it,
and how long ago?

Ans Some thing like three years ago at the
house of one of the Paines in this county, I
went there and saw her in bed with
a man and they were covered up this
man was not the Plaintiff and said Plaintiff
was not present. I have no idea that

her husband knew any thing of this affair.
and I never told the Plaintiff about
this untill after they had separated;
and they separated something like before
last Christmas and she left him.

Ques. (3) Did you ever hear the Defend-
ant say any thing about leaving
the plaintiff? If so, what was it;
and where was it?

Ans I was staying at the house of the Plaintiff
and defendant and the defendant told
me she was going to leave her husband
because she did not love him and because
she had found other men that she loved
better than she did him. They had been
married some five or six years before
they separated and while they were living
together I was about their house a good
deal he always treated her nicely, but I
noticed at times she was ill with him.
And further this defendant says the nat.

her
Mary S. Parsons
Smith

Virginia

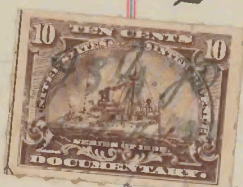
County of Lee Co. - wit:

I J. S. Emison a justice of the
peace in and for the County & State
aforesaid, do hereby certify that the
 foregoing depositions of G. H. Smith,

Witness
Claims / day
50+

Amanda Mulwer, J. R. Guillen and
 Mary S. Parsons were duly taken
 sworn to, and subscribed before
 me, at the time and place and
 for the purpose therein mentioned.
 Given under my hand & this the
 18th day of February, 1899.

J. S. Garrison J. P.



4 witnesses paid by plaintiff	\$2.00
J. S. Garrison's fee paid	1.60
E. S. Stapleton's D. S. fee	1.60

A. M. Puley

vs } Depositions

Nancy R. Puley

Received by mail in
good condition and filed
February 18th 1899

A. B. Munsey Clerk

J. S. Garrison for \$1.00 paid

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU THAT YOU SUMMON

Nancy R. Peuley

to appear at the Clerk's office of the Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said Court, on the ~~Thursday~~ *Monday* in *February*, 189 *9*, to answer a bill in chancery, exhibited against *her* in our Court by

E. M. Peuley

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *7th* day of

February 189 *9*, and in the 12 *3rd* year of the Commonwealth.

A. B. Munsey

Clerk.

A copy—Teste: _____ Clerk.

Writ Tax Pd
by E. M. Penney

E. M. Penney
VS. { SUBPOENA
IN CHANCERY.

Nancy R. Penney
P. Bros. p.q.

To Second Rules, 1899
CIRCUIT COURT.

Executed Feb 13.
1899 By Delmonico
& dict. apical copy
of the within
summons to
Nancy R. Penney
at the usual
place of abode
E. S. Stapleton
for W. O. Weston
88, le
1, 1

The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

James A. Quisenberry, George Smith, Grace Parsons and Amanda Mulwood

a Justice or Notary

E. H. Huntington's law office in Pamplin Bldg

to appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof on the

day of

February

1899

, to testify and the truth to say in behalf of the

plaintiff

in a certain matter of controversy in our said Court, before the said Judge depending and undetermined between

E. M. Peuley

is

Plaintiff, and

Nancy R. Peuley

is

Defendant.

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

day of

February

1899

, and in the 12³

year of the Commonwealth.

A copy--Teste:

A. B. Munsey Clerk,

—XXXXXXXXXXXXXXXXXXXX—

E. M. Peuley

Vs.

} SUBPENA
FOR
WITNESS.

Nancy R. Peuley

—XXXXXXXXXXXXXXXXXXXX—

Circuit Court, the..... day

of 189 .

Executed Feb 13

1899 By summonsing
George Smith
James A. Green
mounted on
this Feb 13. 1899
E. S. S. Topleton
for W. S. Newton

S. S. S.
16